

A Presbytery Policy for Congregations Considering Leaving the Presbyterian Church (U.S.A.)

According to the guiding principles of the Presbytery of Carlisle our mission is “to support our congregations in the name of Jesus Christ.” Further, “the Presbytery of Carlisle is a service community which:

- supports congregations in addressing their needs and opportunities by increasing resources, information and training in mission and ministry.
- seeks to create dialogue in which congregations and Presbytery actively talk to and listen to each other and respond to each other.
- promotes a relationship among congregations and the Presbytery that is collegial and collaborative in ministry.”

We acknowledge, as did the author of Ecclesiastes, “There is a time for everything, and a season for every activity under heaven.” The ensuing list includes “a time to plant and a time to uproot ... a time to weep and a time to laugh ... a time to tear and a time to mend ... a time to be silent and a time to speak.” Congregations and the Presbytery as a whole experience the rhythms of these seasons and, when the timing is inharmonious, the blessed tie that binds feels strained or broken.

When our unity in Christ is being tested and our ability to work together in mission is being tried, we covenant with one another to “encourage one another and build each other up” (1 Thessalonians 5:11), and to respect and demonstrate love to one another. Together we covenant to live together in the bonds of peace while we seek to discern and follow the will of God.

The Presbytery of Carlisle is committed to pursuing a ministry of reconciliation with pastors, Sessions, and congregations who are seeking or considering dismissal from the denomination. Whether the outcome takes the form of dismissal or mutually accepted recommitment to the relationship between the congregation and the Presbytery, it is the desire of the Presbytery of Carlisle to create a context and a process marked by prayer, grace, and mutual forbearance as we open our hearts and minds to the power of the Holy Spirit working within the life, ministry, and calling of the particular congregation and the Presbytery as a whole.

To seek God’s will requires a significant investment of time and energy, study and prayer. The Presbytery of Carlisle is committed to this process and committed to following the principles suggested by the 218th General Assembly (2008): Consistency, Pastoral Responsibility, Accountability, Gracious Witness, Openness, and Transparency.

The Presbytery requests that any Session or local congregation considering and/or seeking dismissal from the Presbyterian Church (U.S.A.) will covenant with the Presbytery

to enter a defined process of mutual discernment, conversation, negotiation, and resolution. This process is more fully described in the remainder of this document.

Congregational Discernment

A congregational based discernment process is led by the Session (See Appendix 1 – *A Process for Discernment and Congregational Discussion*). Session may invite Presbytery representatives to be involved at this time. To request this involvement, contact one of the Presbytery Co-Leaders.

During the process, the following questions are paramount:

- A. Is God leading this particular congregation to seek dismissal from the Presbyterian Church (USA) or toward reaffirmation of connection within the Presbyterian Church (U.S.A.)?
- B. If God is leading this church to seek dismissal from the Presbyterian Church (U.S.A.), how can that be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?
- C. If God is leading this congregation toward affirming its connection with the Presbyterian Church (U.S.A.), how can that be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?

Presbytery Involvement

When the leadership of the Presbytery becomes aware, either through formal congregational action or through informal conversation that a congregation is in serious disagreement with the denomination, a Conversation Team will be sent to the congregation through the one of the Presbytery Co-Leaders.

The purpose of the Conversation Team will be:

- A. to review with the Session the discernment process already engaged, or to participate in a new one;
- B. to engage the officers and/or the whole congregation in a time of prayer and conversation, aimed at understanding the issues, identifying steps that may be taken, including engagement with questions A, B, and C (above under Congregational Discernment), if they have not yet been addressed.
- C. to share matters for consideration with respect to the implications for a congregation and its pastor(s) considering leaving the Presbyterian Church (U.S.A.).

Ordinarily the Session will be the conversation partner, but in some circumstances this will not be possible. In that case, the Conversation Team will work with the congregation to choose a transition team to negotiate the terms of dismissal with Presbytery. If original jurisdiction is taken by the AC, the AC will serve as the conversation partner because 1-2 Ruling Elders will be included in its membership.

Negotiation and Resolution

The Conversation Team will work with officers and the congregation to define a resolution. A mutually agreeable resolution may result in reaffirming connection to the Presbyterian Church (U.S.A.). Or a mutually agreeable resolution may result in a recommendation to the Presbytery that the congregation be dismissed to another Reformed denomination, but it may not be released to independent status. In either case, this resolution should be widely circulated to the congregation.

Working in good faith toward a mutually agreeable resolution means that all parties involved:

- A. are open and honest in all their dealings with each other;
- B. will provide all requested relevant information and documents to each other on a timely basis;
- C. will respect the conviction of the members, especially those holding differing viewpoints;
- D. will refrain from any unauthorized unilateral changes in the way their assets are held or managed.

If the resolution recommends dismissal, it shall:

- A. Specify the following information regarding the church seeking dismissal:
 - i. the value of assets (including all financial accounts, physical plant, property, graveyards, and church records),
 - ii. all liabilities including Presbytery indebtedness, other indebtedness, outstanding commitments, and pledges such as financial implications related to the Presbytery i.e. shared and designated mission, and per capita)
 - iii. the legal implications (including taxes, corporate status, insurance),
 - iv. that all loans secured by the property, including any loans owed to the Presbyterian Church (U.S.A.) Investment and Loan Program, Inc. (PILP) and the Presbyterian Church (U.S.A.), A Corporation (the Church Loan Program) have been paid in full, with documentation confirming that the loan(s) have been satisfied. An indemnification and hold harmless clause must be provided by the lender(s) for any unsecured loans owed by the church. Such documents must be provided to the Presbytery prior to a vote on dismissal.

- v. a history and accounting of any loans, grants, and other items that Carlisle Presbytery has given to the particular church, including money used to fund the founding of the church.
- vi. the processes and procedures for the church to join another reformed denomination. (See Appendix 2 *Practical Considerations for the Congregation* for details)
- vii. also see Appendix 3 *Practical Considerations for the Minister*

- B. Be approved by written ballot at a duly called congregational meeting where representatives of the Presbytery were present and given permission to speak, and a majority of the members on the active roll were present and casting ballots. The outcome of the voting will be determined by a 2/3 majority of those casting ballots.

The results of the congregational vote in regard to leaving the denomination are provisional. The Presbytery is required to address the property rights of those in the congregation who wish to remain within the Presbyterian Church (U.S.A.). Even if the congregation votes in favor of the resolution to leave the denomination, a meeting, led by the Conversation Team, will be held with any members of the congregation who wish to remain in the Presbyterian Church (U.S.A.). The purpose of the meeting will be to discern with those who wish to remain their desire regarding their future, the church property, and other assets. Depending on the outcome of that meeting, negotiations between the Conversation Team and the Session may need to be resumed. These negotiations may result in a congregational meeting to act on a revised resolution.

If the Conversation Team determines that a congregation will not work in good faith according to these guidelines, or that a mutually agreeable resolution cannot be reached, it will report its findings to the Coordinating Council. The Council will make a full report to the Presbytery on the work of the Conversation Team, including when deemed necessary a recommendation that an Administrative Commission be formed. (Book of Order G-3.0109b) Should an Administrative Commission be formed, serious consideration should be given to including one or two Ruling Elders from the congregation to allow for easier communication among parties.

Covenant for Dismissal

If the congregation votes to be dismissed from the denomination, they shall prepare a proposed Covenant for Dismissal for presentation to the Coordinating Council at a Stated or Special meeting. The Covenant for Dismissal shall contain the following:

- Introduction including a background and timeline of the discernment process;
- Acknowledgement of this covenant for dismissal by the Presbytery of Carlisle and the receiving Reformed body including information about the Reformed body and documentation of their agreement to receive the congregation;
- The value of all assets held by the congregation;
- Real estate and property settlement;
- Financial remuneration as negotiated, addressing the parameters outlined in the section entitled **Financial Assets and Property** (below);
- An appraisal of all real property and estimate of financial assets at the time of dismissal;
- Affirmation that all registers and minutes will be deposited with the Presbyterian Historical Society in Philadelphia, PA prior to a Presbytery vote on this covenant;
- Provide care and proper transfer of membership for those individuals wishing to remain members of the Presbyterian Church (USA);
- Commitment to sharing a time of worship with the Presbytery to honor the relationship and its ending;
- Commitment to remove mention of the Presbyterian Church (USA) from all signage, office supplies, and digital media;
- Provision for amending the congregational by-laws to remove the congregation's legal partnership with the Presbytery of Carlisle and the Presbyterian Church (USA), and enter into relationship with the receiving governing body.

The Presbytery Co-Leaders can provide a sample Covenant for Dismissal upon request.

The Conversation Team will report the action of the congregation and bring the proposed Covenant for Dismissal to the Coordinating Council. The Council will forward the action of the congregation to the Presbytery at a duly called meeting, along with the report of the Conversation Team, the proposed Covenant for Dismissal, and the Council's recommendation as to whether to approve the release of the congregation. A simple majority of the Presbytery is required to approve dismissal.

Financial Assets and Property

Bearing in mind the spiritual and financial investment of both members and the Presbytery in each of our local churches, any resolution to dismiss a congregation shall consider the particularities of the congregation's historical ties with the Presbytery as it related to its property. Equally important is the understanding of the so-called Trust Clause in G-4.0203 of the Book of Order which states "All property held by or for a congregation...is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)." Though a resolution for dismissal may include permission for a congregation to leave with its property, it is not an automatic right of the congregation and is subject to negotiation.

Church building and grounds generally mean more to the members of a congregation than simply an asset on the books. They represent a special place where members have experienced life-changing conversions of faith in Jesus Christ, experienced inspiring worship and witnessed and participated in baptism, marriages, funerals, and memorial services. It is recognized that vacating a property in which the congregation has heavily invested, both spiritually and financially, would be a difficult sacrifice to make.

Church buildings also hold a special place in the Presbytery as a whole. For well over two centuries this Presbytery has planted new churches and aided fledging congregations by encouraging members from existing churches to become part of these new adventures; it has given and loaned money to congregations young and old; it has worked diligently in fulfilling its role in the calling of pastors; and across the years has prayed with and for each and every church within its bounds as part of its common calling.

When negotiating possible aspects for the Conversation Team to consider include, but is not limited to:

- *Real estate and real property* – based on the Trust Clause in the Book of Order (G-4.0203), the presbytery can require the congregation to pay the assessed value in full or some portion thereof.
- *Per Capita* – the Presbytery of Carlisle will be responsible for two years of per capita even after the congregation has left the denomination.
- *Tithe* – Using that biblical concept, the Conversation Team and congregation may come to agree that a tithe of the assets would be a suitable resolution.

All original rolls, registers, minutes, and historical records remain the property of the PC (U.S.A.) (Book of Order- G-3.0107). This is not subject to negotiation or exception. (Book of Order G-3.0107)

The Terms of the Financial Settlement shall include a reversionary clause and require the Church to include a reversionary clause in the deeds to all the real property and assets which shall stipulate that the departing congregation retains title to all real property and assets unless, within ten years, any of the following occur:

- a. The congregation ceases to exist as an active congregation;
- b. The placing of the real property of the congregation for sale;
- c. The discontinuation of worship by the congregation at the current property on a permanent basis;
- d. The congregation leaves or is dismissed as an active, separate congregation of the receiving denomination to operate independently or is merged into or otherwise becomes a non-Reformed denomination congregation.

In any of these situations, the property and assets would revert to the Presbytery of Carlisle.

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APPENDIX 1

A process for discernment and congregational discussion

- A. The Session after prayer and much discussion drafts and sends a letter to the membership outlining the issues.
- B. A workshop for all church leaders should be arranged for discussion and prayer regarding options, ramifications and consequences of each option and steps that would be needed. See Appendix 4 for suggestions on Scriptures and conversation questions.
- C. Several forums should be held so that all members would have an opportunity to hear, ask questions and engage in prayer together.
- D. A follow up letter including a survey may be desirable.
- E. Sessions for prayer and pastoral support should be provided.
- F. After a period of discernment the Session will decide on the next steps needed and inform the congregation of them.

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APPENDIX 2

Practical Considerations for the Congregation

- A. Tax Status: A congregation which ceases to be a Presbyterian Church (U.S.A.) congregation is no longer included in the Presbyterian Church (U.S.A.)'s "group revenue ruling" by which a Presbyterian congregation is granted 501(c) (3) non-profit tax-exempt status.

Such status is required not only for exemption from tax payments to state and federal authorities and the filing of certain tax forms, but is required also for real estate tax exemption, for U. S. Postal Service bulk mailing permits, for grant-making foundations, and for the receipt of many forms of grants and bequests. Gifts to a church which does not have valid tax-exempt status may not be claimed as charitable contributions. Legal and other services will be needed to secure new 501(c) (3) status.

- B. Corporate Status: A congregation which ceases to be a Presbyterian Church (U.S.A.) congregation will need to revise its corporate status (which may require the filing of new articles of incorporation and bylaws).
- C. Insurance: Since many Presbyterian Church (U.S.A.) congregations have property and liability insurance which is available only to Presbyterian Church (U.S.A.) congregations, new insurance provisions will need to be made, and it is an unwise congregation which is uninsured for even a minute.

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APPENDIX 3

Practical Considerations for the Minister

- A. G-2.0502 As the Lord has set aside through calling certain members to be teaching elders, so the church confirms that call through the action of the Presbytery. The Presbytery shall determine whether a particular work may be helpful to the church in mission and is a call to validated ministry requiring ordination as a teaching elder. In the performance of the ministry, the teaching elder shall be accountable to the Presbytery. Teaching elders have membership in the Presbytery by action of the Presbytery itself, and no pastoral relationship may be established, changed, or dissolved without the approval of the Presbytery.
- B. G-2.0509. When a teaching elder accepts or continues membership of any character in another denomination, except as provided in this Constitution, the Presbytery shall record the fact and delete the teaching elder's name from the roll.
- C. A minister considering departure from the Presbyterian Church (U.S.A.) is advised to consult, with the advice of counsel encouraged, the provisions of the Board of Pensions plan (which are available at <http://pensions.org/library/publications/rules.htm>) and to consult also with legal, and tax professionals regarding the special tax issues, which relate to clergy persons.]
- D. Pension: A Presbyterian minister's pension benefits are "vested," and a member (or survivor of a member) of the Presbyterian Board of Pensions' plan has a non-forfeitable right to receive a retirement pension based on contributions and increases once pension credits are vested.
- E. Medical Insurance/Death-and-Disability: The Board of Pensions' major medical plan and death-and-disability provisions require active participation in the plan, and participation is not available to ministers who are not on the roll of a Presbytery. A member may be eligible to purchase continuation of medical benefits for a limited duration. Life (death) insurance and disability insurance policies are available commercially at varying rates.
- F. Tax Issues: A Presbyterian minister is entitled to certain income-tax benefits and provisions due to his/her ecclesiastical status in the Presbyterian Church (U.S.A.). An "independent" minister may or may not be entitled to such benefits and provisions.

G. Insurance: A minister no longer serving a Presbyterian Church (U.S.A.) congregation or no longer on the roll of the Presbyterian Church (U.S.A.) should make arrangements for professional liability insurance coverage if continuing to engage in professional ministry.

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APPENDIX 4

PROPOSED CURRICULAR SCHEDULE

For Churches Considering Dismissal from the Presbytery of Carlisle

Month 1	Romans 16:17-20; Luke 18:1-8; James 5:7-12 Matthew 10:5-16; Philippians 2:1-18; I Corinthians 12 and 13
Month 2	Ephesians 4:1-16; II Corinthians 4; James 4:1-12
Month 3	John 17:6-26; II Corinthians 10; Jeremiah 32 I Corinthians 5; Titus 3:1-11
Month 4	John 10:1-18; Romans 12; Hebrews 12:1-13
Month 5	I Timothy 4; Matthew 13:24-30 Matthew 5:13-16, 43-48; II Corinthians 6:14-7:1
Month 6	I Timothy 6:3-16; Hosea 3:1-5, 11:8-11; 14:1-9 Galatians 6:1-10; Matthew 7:1-6

Rubric for the Study of Scriptures

With the study and discussion of each of the passages prescribed, the following questions should be asked and answered:

- Within its context, what does the passage say to its original audience?
- What situational parallels may be drawn between the original and contemporary audiences?
- What does the passage say to our particular situation?
- How will we seek to obey and implement its lessons together?